

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, THE
EMPLOYEES RETIREMENT SYSTEM OF THE
GOVERNMENT OF THE COMMONWEALTH OF
PUERTO RICO, AND THE PUERTO RICO PUBLIC
BUILDINGS AUTHORITY,

Debtors.¹

PROMESA
Title III

No. 17 BK 3283-LTS

(Jointly Administered)

**INFORMATIVE MOTION OF FINANCIAL OVERSIGHT AND MANAGEMENT
BOARD FOR PUERTO RICO DISCLOSING PRELIMINARY ORDER OF
WITNESSES APPEARING AT CONFIRMATION HEARING ON
NOVEMBER 12, 2021**

Pursuant to the Court's *Second Amended Order Regarding Procedures for Hearing on Confirmation of Plan of Adjustment* [ECF No. 19012-1] (the "Confirmation Hearing Procedures Order"), the Financial Oversight and Management Board for Puerto Rico (the "Oversight Board"), as the sole Title III representative of the Commonwealth of Puerto Rico (the "Commonwealth"), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS"), and the Puerto Rico Public Buildings Authority ("PBA") pursuant to section 315(b) of

¹ The Debtors in these Title III Cases, along with each Debtor's respective Title III case number and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283-LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17-BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority ("PBA") (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),² files this informative motion (the “Informative Motion”) disclosing the preliminary order of the witnesses it intends to call on Wednesday, November 12, 2021 on behalf of the Debtors at the hearing to consider confirmation (the “Confirmation Hearing”) of the *Modified Eighth Amended Title III Joint Plan of Adjustment of the Commonwealth of Puerto Rico, et al.* [Case No. 17-BK-3283-LTS, ECF No. 19114] (as it may be amended, modified or supplemented, the “Plan”):

1. On October 27, 2021, in accordance with the Confirmation Hearing Procedures Order, the Debtors filed the *Informative Motion of Financial Oversight and Management Board Regarding Pretrial Conference and Confirmation Hearing* [ECF No. 18839] (the “Debtors’ Pretrial Informative Motion”). Each of the witnesses identified in paragraph 2 below was identified on the Debtors’ Exhibit B Party Witness Cover Sheet attached to the Debtors’ Pretrial Informative Motion.³ See Debtors’ Pretrial Informative Motion at 18-24.

2. The Debtors anticipate calling the below witnesses to testify at the session of the Confirmation Hearing held on November 12, 2021, in the following order:

1. Andrew Wolfe – Economic advisor to the Oversight Board
2. Adam Chepenik – Principal at Ernst & Young, LLP
3. Juan Santambrogio – Managing Director at Ernst & Young, LLP
4. Marti Murray – Principal with The Brattle Group
5. David Brownstein – Managing Director at Citigroup, Inc.
6. Jay Herriman – Managing Director at Alvarez & Marsal

3. Thereafter, it is the Oversight Board’s understanding that the Official Committee of Retired Employees of the Commonwealth of Puerto (the “Retiree Committee”) intends to call

² PROMESA is codified at 48 U.S.C. §§ 2101–2241.

³ The Debtors had previously identified each of these witnesses in its various witness lists filed with this Court. See *Debtors’ Preliminary List of Witnesses to be Offered in Support of Confirmation of Plan of Adjustment* [ECF No. 17679]; *Debtors’ Amended List of Witnesses to be Offered in Support of Confirmation of Plan of Adjustment* [ECF No. 18094]; *Debtors’ Final List of Witnesses to be Offered in Support of Confirmation of Plan of Adjustment* [ECF No. 18683].

its retained expert, Simon Johnson, as a witness at the November 12, 2021 session of the Confirmation Hearing. *See* Retiree Committee's Pretrial Informative Motion Regarding Participation at Confirmation Hearing, Ex. B [ECF No. 18853-2].

4. Pursuant to the Confirmation Hearing Procedures Order, all parties intending to cross-examine any declarant or present testimony at the Confirmation Hearing were directed to identify in their own pretrial informative motions the witness(es) they intended to cross examine, the factual issue(s) to which the proposed cross-examination would relate, the subject matter of the testimony and its relevance to the factual issue(s), and the time requested for such cross-examination. *See* Confirmation Hearing Procedures Order ¶ 4(a).

5. As of the October 27, 2021 at 1:00 p.m. (AST) deadline to file pretrial informative motions set forth in the Confirmation Hearing Procedures Order, Peter C. Hein identified Andrew Wolfe, Adam Chepenik, Juan Santambrogio, Marti Murray, and David Brownstein as witnesses he intends to cross-examine. As of the time of this filing, no additional parties in interest have identified any of the witnesses listed in paragraphs 2 or 3 for cross-examination.

6. The Oversight Board reserves all rights, including the rights to (1) call any witness on November 12, 2021 who was previously disclosed by the Oversight Board to testify on November 10, 2021⁴ but was not able to do so due to, among other things, insufficient time at the November 10, 2021 session of the Confirmation Hearing; (2) call these witnesses to testify in an order different from the order set forth herein; and (3) call these witnesses to testify at the Confirmation Hearing on a day other than November 12, 2021.

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⁴ *See Informative Motion of Financial Oversight and Management Board for Puerto Rico Disclosing Preliminary Order of Witnesses Appearing at Confirmation Hearing on November 10, 2021* [ECF No. 19085] ¶ 2.

Dated: November 9, 2021
San Juan, Puerto Rico

Respectfully submitted,

/s/ Margaret A. Dale

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CERTIFICATE OF SERVICE

I hereby certify that, on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notifications of such filing to all CM/ECF participants in this case.

/s/ Hermann D. Bauer
Hermann D. Bauer